

असाधारण

EXTRAORDINARY

भाग 🛚 — खण्ड 🙎

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नर्दे विल्ली, शुक्रवार, ग्रगस्त 31, 1973/भाष 9, 1895

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इस भाग में भिन्म पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 31st August, 1973:—

Ι

BILL No. XXVIII of 1973

A Bill to provide for the grant of pension, gratuity, dearness and other allowances and benefits, payable by the Central Government to its employees, or their dependents, on retirement voluntary or otherwise, or on the death of the Government servant and for other matters connected therewith.

BE it enacted by Parliament in the Twenty-fourth Year of the Repub-He of India as follows:—

- 1. (1) This Act may be called the Pensions Act, 1973.
- (2) It shall extend to the whole of India.

(3) It shall not apply to members of an all-India services or of any of tion and the Armed Forces of the Union.

(4) It shall come into force at once.

Short title, extent applica

application and commencement, Defini-

- 2. In this Act, unless the context otherwise requires,—
- (i) "continuous service" means uninterrupted service and includes service which is interrupted by sickness, accident or leave;
- (ii) "dependents" means and includes a wife, husband, parents, child, minor brother, unmarried sister, deceased son's widow and children;
 - (iii) "family pension" means the pension referred to in section 12;
 - (iv) "Government" means the Central Government:
- (v) "Government servant" means any officer or servant continued, appointed or employed in India by or under the authority of the Government;
 - (vi) "interim pension" means the pension referred to in section 8;
- (vii) "pensioner" means and includes an ex-employee of the Government, who is receiving pension, or is entitled to receive pension under this Act or the rules made thereunder;
- (viii) "prescribed" means prescribed by rules made under this Act;
- (ix) "salary" includes monthly pay and allowances other than the dearness allowances paid to a Government servant; and
- (x) "superannuation" means the attainment by the Government servant of such age as is fixed or may be fixed by the Government as the age on the attainment of which the Government servant shall retire from service.

Retirement owing to invalidation. 3. Every Government servant who retires or is retired from service owing to invalidation shall be entitled to receive gratuity which shall be five times the salary last drawn by him before such retirement, and pension at such rate as may be prescribed:

Provided that if the Government servant, after such retirement is engaged in any service, trade or profession, the Government may suspend the payment of the pension or any part thereof during the period of such service, trade or profession as the case may be.

Voluntary retirement. 4. A Government servant who has rendered continuous service for not less than twenty years shall have the right to retire from service at any time thereafter and shall, on retirement, be entitled to receive gratuity and pension at such rates and in such manner as may be prescribed.

Compulsory retirement. 5. A Government servant who is made to retire compulsorily from service may, having regard to all the circumstances of the case, be granted such gratuity and/or pension and/or other benefits referred to in section 7 as the Government may think fit.

Superannustion. 6. A Government servant shall on superannuation be entitled to such pension and gratuity as may be prescribed.

- 7. A Government servant, who is entitled to pension and gratuity Other under sections 3, 4 and 6, shall be entitled to receive,— benefits.
 - (a) dearness allowance;
 - (b) house rent allowance;
 - (c) educational facilities and
 - (d) medical benefits as such rates as and on such conditions may be prescribed.
- 8. The amount of pension fixed at the prescribed rates shall become Compayable from the day following the day on which a Government servant menceretires:

Commencement of pension and interim

Provided that within two months from the date of the pensioner's retirement, Government shall send to him an order, addressed to the Treasury Officer as indicated by the Government servant, specifying the rates at which an interim pension shall be paid to the pensioner concerned if the amount of the pension has not been finally computed and fixed till then and upon receipt of such order; the pensioner shall be entitled to draw interim pension at the rate so specified in the said order with effect from the day following the day of his retirement, until the amount of his pension is finally fixed:

Provided further that the amount of the interim pension so received by the pensioner may, in due course, be adjusted towards the pension which shall become due and payable to him in accordance with this Act and the rules made thereunder.

9. If the amount of gratuity payable under this Act is not paid by the Interest Government to the pensioner within two months from the date of his reon tirement and if the delay in such payment is not attributable to any lapse gratuity. on his part he shall also be entitled to receive an interest on the amount of gratuity, at the rate of six per cent. per annum from the date of his retirement to the date of payment of gratuity.

10. A Government servant may, at any time while in service, nominate Nomione or more of his dependents to receive after the death of the Government servant the arrears of gratuity, pension, and other allowances payable under this Act and the rules made thereunder and the payment to such nominee or nominees, if more than one, as the case may be shall relieve the Government of all liability arising out of any claim under this Act.

11. The Government may, on an application made to it in writing by Comthe pensioner, order any part of the pension payable but not exceeding mutation one half thereof to be commuted for the remaining part of the pensioner's of pension.

12. After the death of a pensioner,-

Family Pension.

- (i) the surviving widow or widower, as the case may be;
- (ii) the minor sons and daughters until they attain the age of 21 years or until they marry, whichever event takes place earlier; and

(iii) the dependent parents;

shall be entitled to get family pension at such rate as may be prescribed, in the order mentioned above so that those prior in the order shall exclude the next ones below, but those in the same group shall receive equally.

Exemption of pensions from attachment,

13. No pension, gratuity and other benefits payable under this Act and the rules made thereunder and no amount or claim arising out of such pension, gratuity or benefit shall be liable to seizure, attachment or any other process in execution of any decree or order of any civil, revenue or criminal court.

Assignment, etc. in anticipation of pension or benefit to be void.

14. Save as provided in Section 11, all assignments, agreements, orders, sales and securities of any kind made, entered into, issued, executed by the person entitled to any pension, gratuity or any benefit under this Act in respect of any money or amount not payable before or at the time of the making thereof on account of any such pension, gratuity or benefit, or for giving or assigning any future interest therein, shall be vold and be of no effect.

Application of sections 7 15. The provisions contained in sections 7 and 9 shall apply to the Government servant who has retired from service before the commencement of this Act.

Ber of jurisdiction of civil courts and settlement of dis-

- 16. (1) No civil court shall have jurisdiction in respect of any dispute regarding any claim arising under this Act;
- (2) Any dispute regarding any claim under this Act shall be heard and decided by such authority as may be prescribed;
- (3) The authority shall, in deciding the disputes under this Act, follow such procedure as may be prescribed; and
- (4) The decision of the authority on such dispute shall be final and be executable in the same manner as the recovery of arrears of land revenue.

Power to make rules.

putes.

- 17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—
 - (a) the rates at which pension and gratuity may be granted to a pensioner;

- (b) the rates at which and the conditions subject to which other benefits may be granted under section 7;
- (c) the terms and conditions subject to which pension may be commuted;
- (d) the authority by which disputes under this Act may be decided and the procedure to be followed by the authority in respect thereof; and
- (e) any other matter which is to be, or may be, prescribed under this Act.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- 18. The Pensions Act, 1871, in so far as it applies to the Central Government employees, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Pensions Act, 1871 does not meet the needs of the pensioners. The Act was then mainly enacted for the purposes of political pensions, and hence sections 4 to 10 thereof refer to the grant of land revenue, and Section 13 refers to reward to informers. That Act does not confer any right to pension or pensionary benefits, and in fact according to the modern concept of social security for the Government servants it is quite deficient from every point of view. An Act specially dealing with service pensioners is, therefore, absolutely necessary.

Hence this Bill.

VITHAL GADGIL.

FINANCIAL MEMORANDUM

The actual expenditure which the Government will require initially to meet the provisions of this Act will not be much because the pension, gratuity and other benefits to be given under this Act are left to be provided for by rules, and hence the Government can in the beginning provide for such benefits on a reasonable scale, and can go on increasing them as its financial position improves. For the first few years, the additional liability may not go beyond two or three crores of rupees.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The matters in respect of which such rules may be made are matters of procedure or administrative details. The delegation of legislative power is thus of a normal character.

II

BILL No. XXV of 1973.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:--

1. This Act may be called the Constitution (Amendment) Act, 1973. Short

2. In article 16 of the Constitution, after clause (4), the following Amendclause shall be inserted, namely: -

ment of article 16.

"(4a) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of ex-service men."

STATEMENT OF OBJECTS AND REASONS

It is often seen that the ex-service men who have got the age and capability to work are thrown as destitutes after the termination of their tenure of active service. It is the duty of the State to rehabilitate them after their valiant sacrifice and utilise their discipline and ability in the constructive activities of the State.

New Delmi; The 30th July, 1973. K. P. SINGH DEO

B. N. BANERJEE,

Secretary.